

Chapter 19

DEFINITIONS

Section 20.1 Word Usage

For the purpose of this Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

- A. The present tense includes the future tense.
- B. The singular includes the plural and the plural the singular.
- C. The word "shall" is mandatory.
- D. Any term not defined within this chapter shall be as defined elsewhere in the City-Parish Code or, if not defined elsewhere in the City-Parish Code, as defined in Webster's New International Dictionary, most recent edition, unless the result does not effectuate the intent of the Metro Council, leads to absurd or illogical results, or is inconsistent with the surrounding textual context.
- F. The word "person" or "applicant" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- G. The word "director" associated with a department of the City-Parish shall include any individual designated by that department director.

Section 20.2 Defined Terms

Numerics

5-year storm: a storm event that has a 20% chance of occurring in any given year.

10-year storm: a storm event that has a ten percent chance of occurring in any given year.

25-year storm: a storm event that has a four percent chance of occurring in any given year.

100-year storm: a storm event that has a one percent chance of occurring in any given year.

500-Year storm: a storm event that has a 0.2% chance of occurring in any given year.

A

Abutting: sharing a common property line.

Accessory Dwelling: A permitted independent, subordinate dwelling unit contained within a single family detached dwelling or an accessory structure.

Accessory Structure: a separate building, typically located on the same lot as a principal structure that is devoted to a use typically considered subordinate, or accessory, to the primary use of the property.

Accessory Use: a use subordinate to and incidental to the primary use of the principal building or to the primary use of the premises.

Adjacent: property that touches or is directly across a right-of-way or servitude that is no more than 60 feet in width.

Adult Entertainment: any bookstore, motion picture theater, mini-motion picture theater, or live entertainment business that has as a substantial or significant amount (no more than 20%) of its stock in trade or floor area dedicated to materials that emphasize matter depicting, describing, or relating to the depiction of the human genitals in a state of arousal or stimulation (even if completely or opaquely covered) , acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic areas, buttocks, of female breasts, or less than completely covered human genitals, pubic areas, buttocks, or the female breast below a point immediately above the top of the areola, as well as any massage business (other than those massage businesses licensed by the State of Louisiana).

Agricultural Activities: the exclusive use of land for bona fide agricultural purposes, including farming, silviculture, viticulture, aquaculture, animal and poultry husbandry, but not the cultivation of marijuana (*Cannabis*). It includes accessory uses for packing, treating, or storing the product of such activities, provided that the operation of the accessory uses is clearly incidental to the primary agricultural activity.

Alley: a public servitude that generally runs to the rear of lots for the provision of service or secondary access to homes and businesses.

Animal Day Care Service: an establishment where pet animals owned by another person are boarded for the day or overnight, and services such as grooming, walking and pet training are offered.

Animal Hospital: an establishment for the care and treatment of animals, and where animals may be boarded during their convalescence. May include boarding services as an ancillary use, but the primary operation of the use is the care and treatment of the diseases and injuries of animals.

Architectural Features: the architectural style, general design, and general arrangement of the exterior of a building, structure, object, or work of art, including the building materials and texture, the type and style of all windows, doors, and other similar architectural fixtures but not signs.

Area of Shallow Flooding: a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arterial Streets: a street designed to carry large volumes of through traffic on a continuous route with intersections at grade and traffic control measures that grant priority to the movement of through traffic.

Assisted Living: a combination of housing, board, personalized supportive services and health care on a 24 hour basis, designed to meet the individual needs of persons who need assistance with the

activities of daily living, but do not need the skilled medical care provided in a nursing home. Generally, the facility has a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters.

Attached Garage: a garage that is connected to the principal structure on a property that, for floodplain management purposes, is treated as an enclosure if below the Base Flood Elevation.

B

Banner: any sign of lightweight fabric or similar material that is mounted to a structure or a building by a frame at one or more edges.

Bar: any establishment where alcoholic beverages are sold for consumption on the premises by paying customers that is equipped with a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale and the average monthly revenue alcoholic beverage sales represents at least 50 percent of its total average monthly revenue; is staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for take-out service; and prohibits entry by persons under the age of 18 except as authorized by Louisiana law.

Base Flood: the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation: the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, VI-V30, or VE that indicates the water surface elevation resulting from the base flood.

Basement: the area of a building that is wholly or partly below ground level.

Bed and Breakfast: a lodging facility located within an owner-occupied home in a National Register Historic District or Site or a home listed on the National Register of Historic Places or homes a minimum of 50 years old.

Bedroom: any space in the conditioned area of a dwelling unit or accessory structure that is at least 70 square feet in area that is designed or intended for sleeping purposes and has at least one window. For purposes of determining the number of bedrooms in a dwelling unit, halls, bathrooms, the kitchen, one living room, one dining room, one den or family room one laundry room, and closets/dressing rooms opening off of a bedroom shall not be considered as bedrooms.

Best Management Practices (BMPs): methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce pollution of waters or conservation of natural resources. Among other things, BMPs include treatment requirements, operating procedures, and practices to control runoff. With regard to construction, these may include structural devices or nonstructural practices designed to control runoff and direct the flow of water.

Billboard: a large outdoor advertisement (typically 300 square feet) for which rent is charged-according to:

- A. The amount of traffic that passes its location;
- B. Its visibility; and,
- C. Its size.

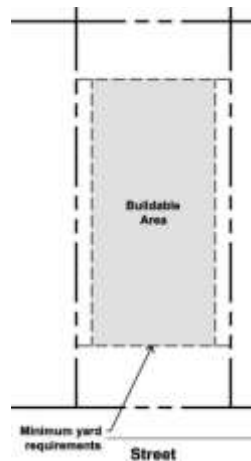
Boarding House: a dwelling occupied by not more than twenty persons not related by blood, marriage or adoption with only one kitchen.

Boulevard: a street with a landscaped center median; the entrance to a major subdivision with a landscaped center median.

Brewpub: a type of eating and drinking establishment that includes the brewing of beer for consumption on-premise or sale directly to a consumer as an accessory use.

Buffer: the planted area, including fences or walls, required between land uses to eliminate or minimize conflicts between them.

Buildable Area: that portion of a lot in which a building may be located; the area defined by setbacks.



Buildable Lot: a lot, other than designated common areas, which meets all the minimum requirements of the Unified Development Code for the construction of at least one main building/structure.

Building: a structure with solid exterior walls pierced only by windows and doors on all sides and a permanent roof.

Building Frontage: the façade of a building that is architecturally designed as the front and which contains the main entrance for use by the general public.

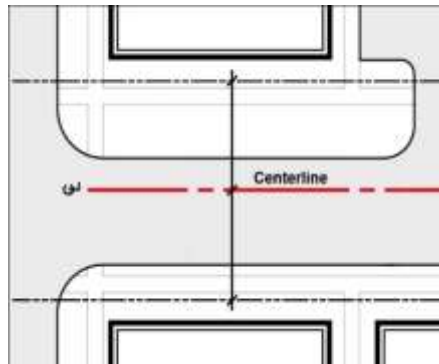
Building Line: the inner edge of any required yard that determines the buildable area of a lot or tract.

Building Official: the individual certified by the Louisiana State Uniform Construction Code Council and designated by the City/Parish with the responsibility for administering the building codes as well as enforcement of the Unified Development Code.

Buoyancy: the force that causes objects to float.

C

Centerline: a line defining the midpoint of a street right-of-way.



Central Business District (CBD): the urban area that has a diversity of uses not typically found in other areas of the parish, including retail, governmental, office, cultural, recreational, entertainment, and residential uses, whose boundaries are the Mississippi River on the west, North Boulevard on the south, North Street on the north and Interstate 110 on the east.

Certificate of Appropriateness: A document evidencing approval of an application to alter, change, demolish, relocate, excavate, or construct in a designated historic landmark or district.

Clearance: the height or width of a passage.

Club: buildings and facilities operated for a social, educational or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

Collector Street: a street carrying traffic from local streets within residential or commercial areas that provides connections to arterials and highways; collector streets may be considered major streets in accordance with the Major Street Plan.

Common Area: land within a development that is not individually owned or dedicated for public use, but is designed and intended for the common use or enjoyment of the residents of a development. Complementary structures and improvements may be included as part of a common area.

Communication Tower: a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Community Garden: any piece of land gardened by individuals or groups of people for cultivation of fruits, flowers, vegetables, or ornamental plants.

Comprehensive Land Use Data: data establishing the Future Land Use GIS data layer recommended by the Planning Commission and adopted by the Metropolitan Council establishing an orderly guide for long-range development.

Concept Plan: a generalized written and graphic document indicating the boundaries of a planned development identifying the location of uses and their intensity as well as the access alignments of the development.

Conditional Uses: uses that generally are considered compatible with the uses permitted in a zoning district but require individual review of their location, design and intensity in order to ensure their appropriateness on any particular parcel of land and their compatibility with adjacent uses.

Country Club: an establishment with recreation facilities for members, their families and invited guests.

Courtyard: an uncovered area, which may be landscaped, that is bounded on at least three sides by buildings or walls and is used to supply access, light, and air to abutting uses.

Critical Facility: a facility necessary to protect the public health, safety and welfare during a natural disaster. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

Critical Root Zone: the area around the base of a tree generally corresponding to the dripline of the tree that contains sufficient root volume to ensure the future well-being of the tree in the event of nearby soil disturbance; typically, the critical root zone is considered to be an imaginary circle drawn around the trunk of the tree with a radius of one foot for every inch of tree diameter at breast height.

D

Day Care Center: any facility operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance to seven or more individuals who are not related to one another or to the operator and who do not live in the facility, but are cared for there for only part of a 24-hour day. This term includes nursery schools, child care centers, and adult day care facilities, but does not include educational facilities or facilities offering care to individuals for a full 24-hour day.

DBH: see Diameter at Breast Height.

Demolition by Neglect: the process of deterioration of a structure within a local historic district that occurs when routine maintenance or major repair is not performed to the extent that preservation and future restoration is jeopardized.

Density: the number of dwelling units per gross acre devoted to residential development.

Density, High: more than 20 dwelling units per acre.

Density, Low: less than 8 dwelling units per acre.

Density, Medium: at least 8 but not more than 20 dwelling units per acre.

Detention Basin: is a specifically designed and engineered stormwater management structure or facility whose primary purpose is to temporarily store stormwater runoff resulting from a development and slowly release it at a controlled rate.

Developed Site Area: the area of a lot that is disturbed for the purpose of developing structures, parking facilities, loading areas, storage areas, access drives, sidewalks, or any other facilities paved with an all-weather material, and landscaped areas.

Development: any human made change in improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Diameter at Breast Height (multi-stem): the caliper measurement of the largest trunk of a tree taken approximately 54 inches above the ground plus $\frac{1}{2}$ the caliper measurement of each additional trunk approximately 54 inches above the ground.

Diameter at Breast Height (single trunk): the caliper measurement of the trunk of a tree taken approximately 54 inches above the ground.

Disturbance: any activity related to movement and removal of soil, addition or import of soil, or the removal of trees, vegetation or brush from the land, not including the regular mowing of open grassy areas or the incidental movement of small amounts of soil or land cover for maintenance or operation of a residence or commercial business.

Drainage way: a ditch, levee, watercourse, piping, or other natural or artificial condition for the removal of surplus or excess surface water collecting or accumulating on the land.

Dwelling: a building or a part of a building, containing living, cooking, sleeping, and sanitary facilities for use by a single housekeeping unit. Motor homes, trailers, automobiles, and tents are not considered dwellings.

E

Elderly: any person having attained the age of 65 years.

Embellishment (for purposes of Chapter 16, Signs, only): the area of design made as a cutout that extends beyond the basic rectangular space of an advertising sign.

Environmentally Sensitive Area: an area not suitable for development due to the presence of significant wetlands, floodplains, or habitat for Threatened or Endangered Species as determined by the U.S. Fish and Wildlife Service.

Erect: to construct, build, raise, assemble, install, place, replace, locate, relocate, affix, attach, display, alter, use, create, paint, draw, illuminate, or in any way bring into being or establish.

Erosion: is the removal of soil through the actions of water or wind.

Estate Sale: see Garage Sale.

Exception: a use that is not permitted by right, but is allowed subject to specific conditions that are set forth in the ordinance.

Existing Structure: (for purposes of determining flood insurance rates associated with Chapter 15, Floodways, Floodplains, Drainage and Water Quality, only): structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date.

Expressway: a limited access route designated on the Major Street Plan.

F

Family: an individual or two or more persons who are related by blood, marriage or legal adoption living together and occupying a single housekeeping unit with single cooking facilities; or not more than two persons, or not more than four persons (provided the owner lives on the premises) living together by joint agreement and occupying a single housekeeping unit with single cooking facilities on a non-profit, cost sharing basis.

Final Development Plan: written and graphic documents reflecting detailed plans for the development of a tract and reflecting the conceptual plans for the tract that is part of a planned development.

Firing Range, Indoor: a completely enclosed facility with impenetrable walls, floors, and ceilings, and acoustical treatment for sound attenuation, all designed to offer a controlled shooting environment for target shooting for practice or amusement with any firearm provided for the use of any person.

Firing Range, Outdoor: the use of land for the discharge of firearms for the purpose of target practice, skeet and trap shooting. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner’s permission.

First Flush: the first one inch of rainfall runoff.

Flag: any fabric, bunting, or other flexible material that is mounted on a pole and used as a symbol of a unit of government, group, cause, or organization.

Flood or Flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate map (FIRM): an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community,

Flood Proofing: any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain: the low land area near a watercourse that has been, or may be, covered by a flood of 100-year frequency as determined by the Department of Development.

Floodplain Administrator: the principal individual responsible for the daily implementation of flood loss reduction activities including enforcing the community's flood damage prevention ordinance, updating flood maps, plans, and policies of the community, and any of the activities related to administration of the National Flood Insurance Program.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Flood-Prone Area: any land area susceptible to being inundated by water from any source.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area: the sum of the horizontal areas of each floor of a building, measured from the interior faces of all exterior walls of a building, or the centerline of walls separating two joined buildings, excluding unfinished basements, unfinished attics, enclosed parking areas, porches, breezeways, and accessory structures.

Floor Area Ratio: the floor area of all buildings on a lot divided by the lot area.

Footprint: the area enclosed within the external walls or periphery of a structure. For elevated structures, trailers, and mobile homes, the footprint shall mean the vertical projection of the external walls to the ground surface.

Four Percent Storm: a storm with a four percent chance of occurring in any given year; the 25-year storm.

Freeboard: a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" is intended to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway

conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Frontage, Building: see Building Frontage.

Frontage, Lot: the horizontal distance between the side lot lines measured at a point where the side lot lines intersect a street right-of-way or private servitude of access. All sides of a lot that abuts a street or servitude of access are considered frontage, as is the arc between the side lot of curvilinear streets or servitudes of access.

Frontage, Street: all of the property on one side of a street between two intersecting streets or from one intersecting street to the end of a dead end street. Street Frontage may represent the combination of multiple Lot Frontages.

Functionally Dependent Use: a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities but does not include long-term storage or related manufacturing facilities.

Future Land Use Map: the map within the comprehensive plan that guides the distribution of various land use categories (residential, office, commercial, industrial, mixed-use) envisioned for the future.

G

Garage Apartment: See Accessory Dwelling

Garage Sale: the sale of personal property on any portion of a lot in a residential zoning district, whether inside or outside a building.

Garage, Private: an accessory structure within which vehicles owned and used by occupants of the principle building may be contained.

Garage, Storage: a structure within which vehicles may be contained or where persons other than the occupants of the principle building on the property use the vehicles.

Gas Station: any place used for the dispensing, sale or offering for sale of automobile fuel and oils at retail and no vehicle repair services are offered.

Grade: the average level of the finished surface of the ground abutting the exterior walls of a building or the support structure for a sign, unless the building or sign closer than five feet to a street, in which case the sidewalk elevation at the center of the building shall determine the grade.

Grading: movement and reshaping of earth to create new contours.

Green Wall: a wall partially or completely covered with vegetation that includes a growing medium, such as soil, and frequently features an integrated water delivery system. Green walls are also known as living walls, BIOboards, biowalls, ecowalls, or vertical gardens.

Ground Cover: material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches.

Group Homes: a residential facility that provides room and board and may include habilitation services and supervision in a family setting for people with a disability (as "disability" is defined by the Federal Fair Housing Act and the Americans with Disabilities Act). Such uses are permitted uses in all residential zones where they are not permitted as of right, notwithstanding any zoning requirements inconsistent therewith, in all cases where granting permission for such use would be a reasonable accommodation under the federal Fair Housing Act. The City-Parish's decision to grant a reasonable accommodation will waive any provisions of the Unified Development Code that would otherwise prohibit such use.

H

Half-Story: space under a sloping roof that is at least three feet high but permits not more than 60 percent of the floor area to be finished off for use.

Height, Building: the vertical distance from grade to (a) the top level of a flat roof; (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs.

Height, Sign: the vertical distance from grade, street pavement, or building facade, as applicable, to the highest point of the sign.

Height, Tower: the distance from grade to the top of the tower structure or any attached wireless transmission or relay equipment.

Highest Adjacent Grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historical Society: an organization that collects, researches, interprets and preserves information or items of historical interest. Generally, a historical society focuses on a specific geographical area, such as a county or town or subject, such as aviation or rail transport.

Historic District, Local: a geographically definable area designated by the Metropolitan Council on the recommendation of the Historic Preservation Commission that contains structures, buildings, objects, sites, or works of art that contribute to the historic character of the area.

Historic Landmark, Local: an individual structure, building, object, site, or work of art designated by the Metropolitan Council on the recommendation of the Historic Preservation Commission as exhibiting a special historical, architectural, or environmental character.

Historic Structure: any structure that is:

- A. Listed individually in the National Register of Historic Places;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on the State inventory of historic places; or,
- D. Individually identified as a contributing property within a local historic district or designated as an historic landmark.

Housing for the Elderly: a multiple family structure operated with resident management that is designed specifically for people over age 65 with at least 75 percent of its occupants being 65 years of age or older.

Hydrodynamic Load: those loads that result from the pressure of water flowing against and around a rigid structural element or system.

Hydrostatic Load: those loads that result from the pressure of standing water on a solid object.

I

Impervious Surface: a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Indexed Stream: surface waters with assigned numbers as shown on maps produced with the EBR Stream Segment Data Layer.

Institution: an establishment serving a social, educational, or religious purpose, such as a hospital, school or place of worship.

Institution, Educational: any public, parochial or private institution that provides a curriculum of education at the primary, secondary, or college/university level, including preschool programs such as Head Start, as well as schools for the mentally or physically handicapped. This definition does not include childcare facilities or trade or business schools.

Institution, Philanthropic: any organization that is supported primarily by charity and whose principal function is the performance of charitable works.

Institution, Religious: a building used for nonprofit purposes in which people assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with accessory buildings and customary accessory uses, including cathedrals, chapels, churches, mosques, synagogues, temples, and similar designations.

J

K

Kennel: an establishment where domestic animals, except where accessory to an agricultural use, are boarded, bred, raised, or trained for commercial gain.

Kitchen: a room primarily used, intended, or designed to be used for the preparation of food that contains a sink, a range or oven or utility connections suitable for servicing a range or oven, and other appliances typically associated with the preparation of food.

Kitchen, outdoor: an area outside of the principle structure designed for the preparation of food that is located in the rear yard that may be roofed but is open on at least two sides.

L

Landscape Materials: materials such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, earthen mounds, landscape water features and non-living, durable materials commonly used in landscaping including, but not limited to rocks, pebbles, sands, decorative walls, fences, brick, stone or concrete paving or landscape support systems such as irrigation, drainage and landscape lighting components.

Landscape Plan: detailed graphic and written criteria and specifications for the arrangement and/or modification of features such as plantings, ground and water forms, circulation, walks and other features of development.

Limits of Clearing: the boundaries defined on a site plan to be cleared, including the Limits of Construction and any staging area.

Limits of Construction: the boundaries defined on a site plan within which all structures, driveways, parking, sidewalks, drainage features, utilities, improved recreational facilities, and designed landscaping will be contained.

Live-work Unit: a dwelling containing up to 2,500 square feet of nonresidential space on the ground floor of the unit in addition to the living quarters for the resident family.

Living Unit: see Dwelling.

Lodging House: see Boarding House.

Lot: a parcel of land that fronts on a public street or approved servitude of access that is intended as a building site. A lot is any parcel of land recorded prior to 1950 or any parcel of land recorded after 1950 approved by the Planning Commission in accordance with the requirements of the Unified Development Code.

Lot, Buildable: see Buildable Lot.

Lot, Corner: a lot abutting on two or more streets at their intersection. The front yard line shall face the shortest street dimension of the lot.

Lot, Flag: a lot designed so that the building site area is set back from a public or private street and access to that street is provided by means of a narrow strip of land between abutting lots.

Lot Frontage: see Frontage, Lot.

Lot Width: the width of a lot at the front setback.

Lowest Floor: the lowest enclosed area (including the basement) of a building. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered the lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program regulations.

M

Maintenance: the servicing, repairing, cleaning, or replacing of any premise, appliance, apparatus, equipment, or landscaped area to extend its use or purpose without altering its design or structure.

Mansard Roof: a roof characterized by two slopes on each of its sides with the lower slope, which may be punctured by dormer windows, at a steeper angle than the upper.

Manufactured Home: a structure built to the standards of the U.S. Department of Housing and Urban Development that is transportable in one or more sections designed for use as a dwelling, built on a permanent chassis and designed for use with or without a permanent foundation when connected to required utilities. For floodplain management purposes, the term "manufactured home" includes vacation trailers, travel trailers, and similar vehicles placed on a development for greater than one hundred eighty (180) consecutive days, though such uses are not considered "manufactured homes" for insurance purposes.

Manufactured Home Park or Subdivision, Existing: a development for the placement of manufactured homes in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of the floodplain management regulations.

Manufactured Home Park or Subdivision, New: a development for the placement of manufactured homes in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed after the effective date of the floodplain management regulations.

Manufactured Home Subdivision: a subdivision that is primarily used by manufactured homes or which is designated as such.

Marquee: a permanent roof-like shelter extending from part or all of a building face constructed of some durable material and not supported from the ground.

Material Change in Appearance: a change that will affect either the exterior architectural or environmental features of an historic property that is visible from the public right-of-way, including any one or more of the following:

- A. Reconstruction or alteration of the size, shape, or facade of a historic property, including any of its architectural elements or details;
- B. Demolition;
- C. Excavation for construction purposes;
- A. Relocation of advertising;
- E. Erection, alteration, restoration, or removal of any building, structure, object or work of art, including walls, fences, steps, and pavements, or other appurtenant features; or,
- F. Removal of trees greater than 18 inches DBH.

Mean Sea Level: the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Median: a landscaped strip of land dividing a thoroughfare, boulevard or street into lanes according to the direction of travel; the area within a traffic circle.

Medical Clinic: an establishment containing offices and facilities where one or more physicians, dentists, other health care professionals, or similar professions for the examination and treatment of human patients solely on an outpatient basis.

Microbrewery: a facility licensed as a “Microbrewery” as defined in Title 26, Section 241, of the Louisiana Revised Statutes. The facilities may include an on-site tasting room with retail sales of alcoholic beverages for consumption on or off the premises. The on-site tasting room sales shall be only those alcoholic beverages produced at that facility shall be a permitted accessory use.

Microdistillery: a facility licensed as a “Microdistiller” as defined in Title 26, Section 2, of the Louisiana Revised Statutes. The facilities may include an on-site tasting room with retail sales of alcoholic beverages for consumption on or off the premises. The on-site tasting room sales shall be only those alcoholic beverages produced at that facility shall be a permitted accessory use.

Mini Storage Facility: a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Mitigation: compensatory action(s) to restore natural functions and values lost through development and human alterations.

Mobile Home: See Manufactured Home.

Mobile Home Park (for purposes of Chapter 15, Floodways, Floodplains, Drainage and Water Quality, only): a plot of ground upon which two or more occupied manufactured homes or a combination of manufactured homes and campers are located on a rental or lease basis.

Modular Housing: a dwelling unit constructed of pre-made parts and unit modules that are transported from the factory to the building site for final assembly on a permanent foundation.

Motor Vehicle Dealer: any business that is licensed by the State to sell motor vehicles.

Multi-family Residential: see Residential, Multi-family.

N

National Flood Insurance Program: the federal program that enables property owners in participating communities to purchase subsidized insurance protection against losses from flooding, and requires flood insurance for all loans or lines of credit that are secured by existing buildings, manufactured homes, or buildings under construction.

New Construction: structures for which a building permit was issued on or before the effective date of an adopted regulation, provided the actual start of construction or any subsequent improvements to such structures commenced within 180 days of the permit date.

No Adverse Impact: an approach by which the action of any community or property owner, public or private, is not allowed to negatively affect or impose a greater burden on the property or rights of others.

Nonconforming Lot: any legally established parcel that does not conform to the current area or dimensional requirements of the zoning district in which it is located.

Nonconforming Structure: any legally established building or structure that fails to meet current ordinance standards for setback, height, or similar factors.

Nonconforming Use: any legally established use of property that does not conform with the requirements of the zoning district in which it is located.

North American Vertical Datum (NAVD): the vertical control datum of height above sea level established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988; generally considered the height above sea level.

Nursing Home: a facility licensed by the State, housing five or more aged or chronically or incurably ill persons, offering nursing care, rehabilitation, and a full range of other therapies, treatments, and programs. Nursing Homes do not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

O

Office Building: is a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public persons or organizations.

One Percent Storm: a storm with a one percent chance of occurring in any given year; the 100-year storm.

Open Space: any area retained for resource protection, stormwater management, or for use as active or passive recreation.

Open Space, Common: land area, exclusive of required setback areas, that does not contain structures other than those intended for recreational or landscape purposes, or water set aside, dedicated, designated, or reserved for the use and enjoyment of all owners and occupants of a project, which is maintained by those same people.

Open Space, Green: land area consisting of green permeable areas, other than sidewalks, exclusive of required setback areas, drainage areas, and servitudes with existing above ground facilities, as well as structures other than those intended for landscape or recreational purposes, that is acceptable for recreation uses, which is maintained by a development or homeowners association.

Open Space, Usable: a common outdoor area at grade level or on a roof, deck, porch, court, or balcony or any combination of these locations with a minimum horizontal dimension of ten feet and a minimum area of 100 square feet that is designed for outdoor living or recreation.

Ordinary Repair or Maintenance: work done on a building in order to correct any deterioration, decay, or damage in order to restore it as nearly as practical to its condition prior to such deterioration, decay or damage.

Outparcel: a parcel of land associated with a shopping center or multi-tenant property development that is designated on an approved site plan as a location for a freestanding structure.

Overlay District: an area where additional zoning requirements are superimposed or typical zoning requirements are relaxed.

P

Parapet: the extension of the exterior walls of a building wall above any portion of the roof level.

Parkway: a street, intended to be used primarily by passenger vehicles, that may have a varying width of right-of-way and which right-of-way is, or is intended to be, developed with a park-like character.

Pedestrian Way: a right-of-way or servitude dedicated for public pedestrian access.

Pennant: a sign, with or without a logo or words, made of flexible material that is suspended from one or two corners and typically used in combination with other such signs to attract attention.

Personal Service Shop: an establishment providing non-medically related services involving the care of a person or their apparel, such as a barber shop, beauty shop, laundromat, nail salon, shoe repair shop, or spas, and accessory retail sales of products directly related to the service provided.

Pervious Surface: a surface that presents an opportunity for precipitation to infiltrate into the ground.

Planned Development: land under single, corporation, partnership, or association ownership, planned and developed as a single development or programmed series of development and according to a unified plan.

Planting Area: an area with a pervious surface that is designed for landscape material installation and growth.

Plaza: an open space at ground level that is continuously accessible to the public with openings to the sky and is wholly or partly enclosed by buildings.

Portable Storage Container: a unit used for temporary on-site storage.

Porte-cochere: a structure attached to a building and erected over a driveway, not exceeding one story in height, and open on two or more sides.

Public Utility: any business providing any utility service, including but not limited to, water, sewerage, gas, electricity, telecommunications, or cable television to the residents of the City of Baton Rouge and the Parish of East Baton Rouge.

Q

R

Reasonable Accommodation: a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. Reasonable accommodation may be granted for all provisions within the Unified Development Code that are reasonable and necessary according to the Fair Housing Act, Americans with Disabilities Act, and current case law interpreting their application.

- A. In determining whether a request for a reasonable accommodation is reasonable, the City-Parish will consider the following:
1. Whether the proposed group home for people with a disability would cause a fundamental change in the City-Parish's zoning;
 2. Whether the proposed facility would cause any undue financial or administrative burden on the City-Parish; or,
 3. Any other reason constituting "reasonableness" under the federal Fair Housing Act.

B. In determining whether a request for a reasonable accommodation is necessary, the City-Parish will consider whether the proposed group home's violation of otherwise applicable zoning rules is necessary because of:

1. The economics of its operation;
2. The need for residential opportunities for handicapped persons; or,
3. Any other reason constituting "necessity" under the federal Fair Housing Act.

Reclamation: the reasonable rehabilitation of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Reclamation Plan: a written proposal for reclamation of the affected areas including land use objectives, maps, or other documents as required to describe reclamation, and where relevant, grading specifications and manner and type of revegetation.

Record Inundation: the highest flood level, recorded by the City-Parish in an applicable area.

Recreation, Active: leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes but is not limited to baseball and other field sports, golf, playground activities, quidditch, swimming, tennis, and other court games.

Recreation, Passive: leisure activities that generally do not require a developed site, activities such as birdwatching, fishing, hiking, horseback riding, and picnicking.

Recreation Facility: a facility designed and equipped for the conduct of sports, leisure time and recreational activities where fees are collected, limited to indoor or outdoor camping, horseback riding, non-combustion engine water touring boats in contained bodies of water, canoe rentals, or non-motorized outdoor bike trails. Guests are limited to a maximum stay of 14 consecutive days.

Recreation Facility, Commercial: any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold and fees collected for the activity. Includes, but not limited to skating rinks, water slides, miniature golf, arcades, bowling alleys and billiard halls, but not movie theatres.

Recreational Vehicle: a vehicle that is:

- A. Built on a single chassis;
- C. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and,
- D. Designed primarily, not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Research and Development Facility: A business that engages in research, or research and development, of innovative ideas in technology-intensive fields such as computer software and hardware, information systems, communications systems, transportation, geographic information systems, and multimedia and video technology, and including the development and construction of prototypes of such things.

Residential, Multi-family: a type of housing consisting of three or more separate dwelling units on one lot for residential inhabitants.

Respite Care Center: a facility designed to provide short term relief to primary care givers from providing continuous care of people suffering from debilitating conditions.

Restaurant: an establishment in which the principal use is the preparation and sale of food.

Retention Basin: a wet or dry stormwater holding area, either natural or manmade, that does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.

Right-of-Way: a strip of ground taken or dedicated to a public entity for public use.

Riverine: relating to, formed by, or resembling a river, stream, creek, or brook.

Road: see Street.

Roof Line: the highest point of a structure including parapets but not including spires, chimneys, or heating or cooling mechanical devices.

S

Servitude: an area designated for private access, utilities, drainage, and/or other public or private purposes; the title to which remains with the property owner, subject to the right of use designated.

Setback: the minimum distance any building or structure must be separated from a street right-of-way or lot line.

Setback, Wireless Tower: the minimum distance a wireless tower structure must be separated from a street right-of-way or lot line, or, in the case of a waiver, from the wall of a residentially used building.

Sheet Flow: water, usually stormwater runoff, flowing in a thin layer over a surface.

Shrub: a woody plant that produces shoots or trunks from its base and generally obtains a height less than eight feet.

Sight Triangle: a triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

Sign: any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known, used to designate, or used to attract attention to an individual, firm, association, corporation, profession, business, commodity, or product that is legible from any public right-of-way or adjacent property, including the structure (other than a wall) on which the sign message is displayed.

This definition does not include flags or trade dress, architectural features identified with a product or business.

Sign, Abandoned: a sign or sign structure that remains in a state of disrepair or on which the sign face remains without content for a period of six months. Such signs shall be removed or repaired within 90 days of being issued a citation.

Sign Area: the entire area within a single, continuous perimeter of regular geometric form enclosing the extreme limits of sign display together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding poles, supports or uprights.

Sign, Awning: a sign that is painted, sewn, or affixed on an awning.

Sign, Changeable Copy: a sign that is that is permanently affixed to a site and is designed to allow the changing of copy through manual, mechanical, or electrical means.

Sign, Directional: a sign that serves to guide people to the location of facilities intended to serve the public, such as restrooms, public telephones, public walkways, parking areas, and other similar facilities.

Sign Face: the entire area of a sign upon, against, or through which copy is placed.

Sign, Marquee: a sign attached to or painted on a marquee.

Sign, Monument: a free-standing sign, generally having a low profile where the base of the sign structure is no more than 12 inches above the lowest point of the ground adjacent to the sign, creating the appearance of a solid base.

Sign, Portable: any sign designed or intended to be readily relocated and not permanently affixed to the ground or to a building, including "A-" or "T-"frame signs, signs on wheels, trailers, truck beds, or any other device intended to be moved from one location to another.

Sign, Projecting: a sign attached to a building and extending away from the building face by more than 12 inches.

Sign, Pylon: a sign that is supported by uprights, braces, columns, poles or other vertical members that are not an integral part of a building or structure.

Sign, Roof is a sign that is wholly or partially fastened to and supported by or on the roof of a structure and which extends above the highest point of the roof line or parapet.

Sign Setback: the horizontal distance between any property line and the outermost point of a sign or sign structure situated on premises.

Sign Structure: any structure that supports, has supported or is capable of supporting a sign, including any decorative cover for the sign structure.

Sign, Subdivision: any sign designed to identify a subdivision, neighborhood, or multi-family developments.

Sign, Suspended: a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary: a sign that is not permanently installed in the ground or affixed to any structure or building, and which is erected for a limited period of time.

Sign, Wall: a sign applied to or mounted on the wall, window or door of a building or a structure, the display surface of which is approximately parallel to the wall; a sign mounted on the roof of a building that does not project above the highest point of the roofline.

Site: a contiguous area of land, including all lots and portions of lots, upon which a project is developed or proposed for development.

Slope: the degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Soil Stabilization: measures that protect soil from the erosive forces of raindrop impact and flowing water. Including, but not limited to, vegetative establishment, mulching, and the early application of gravel base on areas to be paved.

Special Flood Hazard Area: the land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-30, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, VI-30, VE, or V.

Storefront: the first floor facade of a building with display windows that faces the street and connects with the sidewalk.

Stormwater Treatment Train: a strategy that incorporates at least two processes to maximize the control of pollutants from the runoff.

Story: the part of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between the floor and the ceiling above.

Street: a thoroughfare providing primary private or public access to lots.

Street Frontage: see Frontage, Street.

Street, Local: a roadway that provides access to adjacent residential, commercial or industrial properties that is not intended generally to carry through traffic.

Street, Major: a street that serves or is intended to serve as a major traffic way that is shown on the Major Street Plan.

Street, Private: a privately-owned and maintained street, road, lane or any improved surface, not dedicated to East Baton Rouge Parish as a public street, which provides the primary means of vehicular ingress or egress to dwelling units, lots, parcels or principal buildings.

Street, Public: a public right-of-way that has been improved to the standards of and dedicated to East Baton Rouge Parish for public vehicular use and maintenance.

Street, Residential: a local street where the primary land use of lots with frontage on both sides of the street within the block is residential.

Street, Thoroughfare: a multilane street providing connections between regional centers and major highways.

Structural Alteration: any change in the supporting members of a building, such as bearing walls or bearing partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

Structure: anything constructed or erected by man that requires location on the ground (other than swimming pools, fences, and walls used as fences) or is attached to something having location on the ground.

Subdivision: the division of a lot, tract, or parcel of land into two or more lots, plots, sites or a division of land, for the purpose, whether immediate or future, of sale or of building development; or the dedication, granting of construction of a road, highway, street, alley, or servitude through a tract of land regardless of area, except where the dedication, granting or construction of a road, highway, street, alley, or servitude is done by the Parish of East Baton Rouge, the East Baton Rouge Sewerage Commission or the State of Louisiana.

Subdivision, Major: any subdivision of six or more lots and/or any subdivision requiring the construction of a public or private street.

Subdivision, Minor: any subdivision of five or fewer lots that does not require the construction of a public or private street is constructed.

Subdivision, Recognized: a named subdivision approved, filed and recorded that contains more than five lots and includes streets, sewers and drainage improvements which have been accepted for public or private maintenance.

Substantial Damage: damage of any origin sustained by a structure that would result in spending 50 percent or more than the market value of the structure before the damage occurred to restore the house to its condition before the damage occurred.

Substantial Improvement: any repair, reconstruction, or improvement of a structure in which the cost equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of an historic structure.

Subwatershed: the land area or topographic region that drains into a particular stream that subsequently drains into another river or waterbody.

T

Telecommunications: the transmission, between or among points specified by the user, of information for the user's choosing, without change in the form or content of the information as sent and received.

Ten Percent Storm: a storm with a ten percent chance of occurring in any given year; the ten-year storm.

Timber Harvesting: the cutting and removal of trees from their growing site, including the accompanying operation of cutting and skidding machinery, so long as the cutting is not associated with the clearing of land for the construction of roads or for development.

Total Maximum Daily Load: the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

Townhouse: a single family dwelling unit that is part of a structure containing more than two such units with common or party walls with no openings between units, designed so that each unit is located on a separate lot.

Tract: see Site.

Travel Lane: that portion of a street that is designed for moving traffic.

Treat (for purposes of Chapter 15, Floodways, Floodplains, Drainage and Water Quality, only): to filter stormwater through plants, soil, gravel, and/or other media to remove pollutants.

Tree: a woody perennial plant with a main stem or trunk that, at maturity, is at least four inches in diameter at breast height.

Tree, Class "A": a tree of a species that normally grows to an overall height of at least 50 feet, usually with one main stem or trunk and many branches, such as several varieties of oak trees.

Tree, Class "B": a tree of a species that normally grows to an overall height of at least 25 feet, with either one main stem or trunk with many branches, or several stems or trunks, such as Crepe myrtles.

Tree, Class “C”: a tree of a species that normally grows to an overall height of at least 12 feet, with either one main stem or trunk with many branches, or several stems or trunks, such as Wax myrtles.

Twenty Percent Storm: a storm with a twenty percent chance of occurring in any given year; the five-year storm.

Two-tenths Percent Storm: a storm with a 0.2% chance of occurring in any given year; the 500 year storm.

U

Usable Open Space: see Open Space, Usable.

Utilities, Major: facilities serving a larger area, such as community waste water treatment plants, electrical substations, power plants, and similar facilities.

Utilities, Minor: small-scale facilities serving a local area, including transformers, pump stations, wireless communication towers, and similar structures designed or intended to serve adjacent properties.

V

Variance: a grant of relief to a person from the requirements of this code when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical zoning.

Vehicular Use Area: that area of private development subject to vehicular traffic, including accessways, parking aisles, loading and service areas, areas used for parking and storage of vehicles, boats, or portable construction equipment and all land which vehicles cross over as a function of primary use.

Veterinary Clinic: see Animal Clinic.

Violation: the failure of a structure or other development to be fully compliant with this code. For example, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Vision Clearance: the area between three and ten feet above grade that must be kept free from obstructions in any sight triangle.

Vision Triangle: see Sight Triangle.

W

Waiver: an exemption expressly allowed within this ordinance from some regulations.

Waiver of Local Freeboard: a grant of relief to a person from the freeboard requirements of Section 15.21 that are in excess of the minimum requirements established in Section 60.6 of the National Flood Insurance Program Regulations.

Wastewater Suburban Transportation Network: the existing gravity and pressurized sanitary sewerage collection system operated by the City of Baton Rouge and the Parish of East Baton Rouge.

Warehouse: a facility for the storage and wholesale distribution of manufactured products, supplies, and equipment.

Water Surface Elevation: the height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed: a land area that collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

Wetlands: areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil; wetlands include swamps, marshes, bogs, and similar areas.

Wireless Facility: the tower, antennae, relay equipment, perimeter fences and any other equipment or building necessary for the operation of wireless reception and transmission.

X

Y

Yard: an open space on the same lot or tract as a building that is unobstructed by encroachments and projections except as may be specifically allowed.

Yard Depth: the shortest horizontal distance from a lot line to the principle building on the lot.

Yard, Front: a yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the street right-of-way on which the lot faces and the location of a principle building. On corner lots, the yard with the narrowest width facing a street is considered the front yard.

Yard, Rear: a yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the property line opposite the front yard and the location of a principle building.

Yard Sale: see Garage Sale.

Yard, Side: a yard extending from the front yard line to the rear yard line and from the principle building to a side lot line.

Z

Zero Lot Line Development: single family dwellings arranged on individual lots with one side wall on a side property line.